

REMARKS

The present paper is submitted responsive to the final Office Action mailed December 27, 2007 ("Final Action") and the Advisory Action mailed March 21, 2008 ("Advisory Action"). Applicants request entry of the amendments herein prior to further substantive examination. Applicants submit that the amendments further clarify distinctions between the claims and the cited references for at least the reasons presented below.

Independent Claims 1, 16 and 31 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,121,968 to Arcuri et al. ("Arcuri '968"). *See* Final Action, page 2. The Final Action alleges that Arcuri '968 teaches "displaying the first menu as a first rectangular array (fig. 2A; menu 100; *fig. 3 shows a first rectangular array (i.e. menu 100)*) having plural of rows (fig. 24; menu 100; *each menu item (i.e. Print Layout, Web Layout ...) occupies a row*) and plural of columns (fig. 2A; menu 100 *shows a column for icons and column for text descriptions of menu items*)." Final Action, pp. 2 and 3 (emphasis in original). As Applicants noted in the Request for Reconsideration filed February 26, 2008, the arguments of which are incorporated herein by reference in the interest of brevity, *the icons and text descriptions shown in Arcuri '968 are not separate menu items*. The Advisory Action appears to acknowledge this distinction, but asserts that a "broadest reasonable interpretation consistent with the specification" requires that the cited material from Arcuri '968 shows plural columns of menu items by showing "a column for icons and a column for text descriptions of the menu items." Advisory Action, continuation sheet.

Applicants submit that the interpretation of "menu item" forwarded in the Final Action and the Advisory Action is erroneously broad, as "menu item", as construed in normal usage and the context of the specification, refers to items of menu that are individually selectable. The icon and associated text in the menu items shown in Arcuri '968 are not individually selectable, but rather are graphic subparts of *single* menu items, e.g., "Print Layout", "Web Layout," etc. *See* Arcuri '968, Fig. 2C.

However, in order to render this issue moot and expedite examination of the preset application, Applicants have amended independent Claims 1, 16 and 31 to further recite that the menu items are *individually selectable*. For example, independent Claim 1 now recites:

A method of managing display of menu items on a display of an electronic device, the method comprising:

defining first and second menus comprising respective first and second groups of *individually selectable menu items*, wherein the first group of menu items is a subset of the second group of menu items;

displaying the first menu as a first rectangular array having plural rows and plural columns of *individually selectable menu items*; and

responsive to user activation of a menu expansion function, displaying the second menu as a second rectangular array having a greater number of rows and/or columns of individually selectable menu items than the first rectangular array.

Arcuri '968 does not teach or suggest such recitations, and, as noted in Applicants' Request for Reconsideration filed February 26, 2008, the side-by-side, "drop-down" structure of the menus shown in Arcuri '968 actually teaches away from use of a menu with plural columns of individually selectable menu items, because modifying Arcuri '968 to provide plural columns, *i.e.*, providing a menu in which more than one item is provided in a menu row, in the arrangement of hierarchical drop-down menus shown in Arcuri '968 might risk confusing a user. Accordingly, Applicants submit that Arcuri '968 does not disclose or suggest the recitations of amended independent Claims 1, 16 and 31. For at least these reasons, Applicants submit that independent Claims 1, 16 and 31 are patentable.

Applicants submit that dependent Claims 1, 4-10, 17, 19-25, 32, 34-40 and 47-49 are patentable at least by virtue of the patentability of the respective ones of independent Claims 1, 16 and 31 from which they depend. Applicants further submit that several of the dependent claims are separately patentable.

For example, Claim 47 recites:

A method according to Claim 1, further comprising:

defining a third menu comprising a third group of individually selectable menu items, wherein the first and second groups of menu items are subsets of the third group of menu items;

responsive to user activation of a menu expansion function, transitioning from display of the second rectangular array to display of the third menu as a third rectangular array having a greater number of rows and/or columns of individually selectable menu items than the second rectangular array; and

responsive to user activation of a menu reduction function, transitioning from display of the third rectangular array to display of the first rectangular array.

In rejecting Claim 47 as allegedly obvious over a combination of Arcuri '968, U.S. Patent No. 5,757,371 to Oran et al ("Oran") and U.S. Patent No. 6,278,450 to Arcuri et al. ("Arcuri '450"), the Final Action asserts that the "submenu of 'Toolbar' menu item displaying along the menu 11 of fig. 2B of Arcuri '968 are considered to be a third rectangular array having a greater number of columns and the second rectangular array 110." Final Action, p. 6. It is somewhat unclear as to what this assertion means, namely, it is unclear whether the Final Action is asserting that the "submenu" corresponds to the recited "third rectangular array" or that a combination of the higher-level menu 110 and the "submenu" corresponds to the recited "third rectangular array."

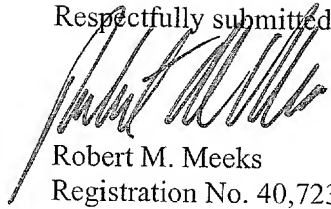
Under either interpretation, however, the cited combination does not disclose or suggest the recited "third rectangular array" and operations relating thereto recited in Claim 47. On one hand, if the Final Action is alleging that the "submenu" is the "third rectangular array," the "first and second groups of menu items" (identified by the Final Action as the original and expanded drop-down menus 100, 110) are not "subsets of the third group of menu items" (the "submenu"), and there is no indication in the cited references that the "submenu" has "a greater number of rows and/or columns" than the menu 110. On the other hand, if the Final Action is alleging that the combination of the menu 110 and the "submenu" corresponds to the "third rectangular array," Applicants note that this combination is not *rectangular*. Accordingly, Applicants submit that the cited combination of references does not disclose or suggest the recitations of Claim 47 and that, for at least these reasons, Claim 47 is separately patentable. At least similar reasons support the separate patentability of Claims 48 and 49.

Conclusion

Applicants submit that the claims are in condition for allowance for at least the reasons presented above. Therefore, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

In re: Karin Spalink et al.
Serial No.: 10/724,941
Filed: December 1, 2003
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Respectfully submitted,



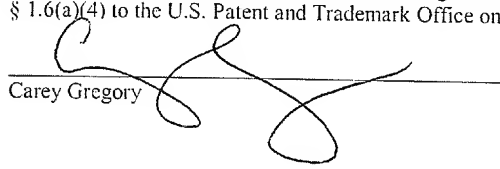
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